

EXHIBIT 6

September 18, 1934 letter to the Attorney General of the United States from Ethelbert Ward, Special Assistant to the Attorney General and copy of letter dated September 12, 1934 from William M. Kearney to Ethelbert Ward, with proposed Stipulation

ADDRESS REPLY TO
"THE ATTORNEY GENERAL"
AND REFER TO
INITIALS AND NUMBER

DEPARTMENT OF JUSTICE

WASHINGTON, D. C.

HWB - GAI215566.

In re letter from
Mr. Wm. M. Kearney.

332 Postoffice Building,
Denver, Colorado, Sept. 18, 1934.

U. S. v. Walker River Irrigation District, et al.
Walker River Indian Reservation,
Nevada.

The Attorney General,
Washington, D. C.

Sir:

215566
DEPARTMENT OF JUSTICE
SEP 18 1934
FILED

I enclose herewith a copy of a letter to me dated Sept. 12, enclosing a proposed stipulation and a copy of my reply. This relates to a matter which arose early in the year in reference to calling the attention of Judge St. Sure to the construction of a pondage on the Walker River Indian Reservation in connection with the above suit.

I refer the Department to letters from me and others beginning January 15, 1934, and extending to March 9, 1934, as will appear in the Department's files in this case, and especially to those letters dated Jan. 15, Jan. 22, March 9, and the letter to the Attorney General from the Assistant Secretary of the Interior, dated Feb. 28, 1934. On March 1, after consulting with Judge Iverson, I wrote to Mr. Kearney that the Department would not consent to any re-opening of the case or to any stipulation as requested by him.

The stipulation, as worded, of course cannot be accepted by the Government. I have suggested to Mr. Kearney that possibly a stipulation could be drafted giving all the material facts and the reasons for the construction of this pondage, but that I doubt whether all of the defendants would accept the same.

I am writing to Mr. Kronquist at Shurz, Nevada, who has charge of the construction of this pondage, asking for facts and suggestions.

I think that Mr. Kearney will undoubtedly ask for a hearing on this subject. I am afraid that the Judge will grant it. I have suggested in my letter to Mr. Kearney that if there is a hearing, I desire it to be before the Judge himself. The Judge, as the Department knows, is a California

United States Judge and this may entail a trip to California, or at least to Nevada, by me and by Government witnesses.

✓ This pondage is situated on the Indian Reservation to catch, if possible, any water that may escape the white users above whose water rights are all junior to the Government's rights. It is a good many miles below any of the ditches of the defendants.

I would greatly appreciate early instructions from the Department.

Very respectfully,

Ethelbert Ward
Ethelbert Ward,
Special Assistant to the
Attorney General.

EW/ELM

(Copy)

WILLIAM M. KEARNEY

Attorney at Law

RENO, NEVADA.

September 12, 1934.

Honorable Ethelbert Ward
Special Assistant to Attorney General
332 Post Office Building,
Denver, Colorado.

Re: U. S. vs. Walker River Irrigation
District, et al - In Equity C-125

Dear Mr. Ward:

The question of re-opening the above-entitled case has again been brought to my attention for the purpose of establishing the fact that a reservoir has been constructed at the Weber Site on the Shurz Indian Reservation capable of storing from 8,000 to 11,000 acre feet of water. The defendants in the case are of the opinion that this fact should be made known to United States District Judge St. Sure who heard the case.

I have before me a number of photographs showing the dam as constructed at the present time, the outlet works, spillways, etc. We are very pleased that this dam has reached its present stage of construction so as to make it possible to store water in the reservoir which is formed by it. The photographs show a substantial lake of water behind the dam which, I understand, amounts to from 800 to 1,000 acre feet on August 18, 1934, the date the pictures were taken.

The purpose of this letter is to ask whether you will at this time sign the enclosed stipulation that such a dam has been constructed and a reservoir will now be available to impound water to the extent of 8,000 to 11,000 acre feet for the lands on the Shurz Indian Reservation involved in the lawsuit.

When the matter was called to your attention heretofore, the defendants felt it wise for the time being to forego the filing of the motion which I had prepared to re-open the case to present the foregoing facts to the court because it was intimated that the construction of the reservoir by the Indian Department might be delayed or abandoned if we pursued that course.

2.
Honorable Ethelbert Ward

September 12, 1934.

Now that the dam is a reality and is well toward completion, I am sure that you would have no objection to signing the enclosed stipulation. If not, will you please advise me promptly so that I may file the motion with the Court, requesting that the case be re-opened for the purpose of putting on testimony to establish the facts which I have indicated?

With kind personal regards, I am

Very truly yours,

(Sgd) Wm. M. Kearney

WMK:ME

ENCS. 2

CC: Mr. W. S. Boyle
Attorney at Law,
Reno, Nevada

Walker River Irrigation District
Yerington, Nevada.

Filed _____, 1934, IN EQUITY
 _____, Clerk. No. C-125
 By _____, Deputy.

IN THE DISTRICT COURT OF THE UNITED STATES, IN THE
 DISTRICT OF NEVADA.

UNITED STATES OF AMERICA,	}	
Plaintiff,		
vs.		<u>S T I P U L A T I O N</u>
WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,		
Defendants.)	

IT IS HEREBY STIPULATED by the plaintiff through its attorneys in the above-entitled case and by the several defendants through their respective attorneys in said case that since the submission of the above-entitled case for the court's decision, there has been constructed at a point on the Walker River on the Shurz Indian Reservation designated as the Weber Reservoir Site, an impounding dam approximately 1200 feet in length and approximately 50 feet in height with a base of some 150 to 200 feet up and downstream; that said dam will, when completed, store from 8,000 to 11,000 acre feet of water per annum; that the said reservoir is now sufficiently completed to store upwards of 4,000 acre feet of water, all of which may be used upon the present irrigated lands of the Shurz Indian Reservation referred to as the irrigated lands at Shurz, Nevada; that the said reservoir is the reservoir referred to in the Blomgren Report as the Weber Reservoir Site, which report is in evidence in the above-entitled case.

IT IS FURTHER STIPULATED that the Court may take the

foregoing facts into consideration in deciding the above-entitled cause.

Dated: September____, 1934.

Special Assistant to the Attorney
General.

Attorney for Walker River Irrigation
District and others.

Attorneys for Sierra Pacific Power
Company.

Attorneys for Certain Defendants.